

Application ref: 2020/2169/P
Contact: Nathaniel Young
Tel: 020 7974 3386
Email: Nathaniel.Young@camden.gov.uk
Date: 16 November 2022

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Savills
33 Margaret Street
London
W1G0JD

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

**39 Fitzjohn's Avenue
London
NW3 5JY**

Proposal:

Erection of replacement side, rear and roof extensions, excavation of basement and various other alterations associated with conversion of existing dwelling (Class C3) into 35 flats (2x studio, 9x1bed, 20x2bed and 4x3bed).

Drawing Nos:

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing: 3169_001 Rev A, 3169_003, 3169_004, 3169_005, 3169_006,

3169_007, 3169_010 Rev B, 3169_011 Rev B, 3169_012 Rev B, 3169_013 Rev B

Demolition: 3169_103 Rev A, 3169_104 Rev A, 3169_105 Rev A, 3169_106 Rev A, 3169_107 Rev A

Proposed: 3169_050 Rev P1, 3169_051 Rev P1, 3169_052 Rev P1, 3169_053, 3169_054, 3169_055, 3169_056, 3169_057, 3169_060, 3169_070, 3169_071, 3169_076 ASHP, 3169_080, 3169D-A Statement

Supporting documents:

Planning Statement, Savills, May 2020

Employment and Training Strategy, Savills, July 2020

Transport Statement, Motion, April 2020

Crime Impact Statement, Savills, July 2020

Health Impact Assessment, Savills, May 2020

Daylight and Sunlight, GIA, Letter dated 27.04.2020

Daylight and Sunlight, GIA, Internal Daylight and Sunlight Assessment 27.04.2020

Air Quality Assessment, WYG, May 2020

Updated Air Quality Assessment, Tetra Tech, August 2021 Rev2

Updated to include additional information on energy strategy

Affordable Housing Viability, HEDC, May 2020

Additional Letter To Savills Dated 14 Jan 2021

Tree Plan, DCCLA, June 2020, TP/39FAL/01B

Tree Protection Construction Phase, DCCLA, June 2020, CPTPP/39/FAL010 B2

Arboricultural Method Statement, DCCLA, June 2020

Basement Impact Assessment, RWA London, REV E, May 2018

Addendum to BIA, LBH Wembley Engineering, Ver 1.3, April 2019

Further addendum to BIA, LBHGEO, Ver 1.0 dated March 2020

Energy Statement, DSA Engineering, rev 0.1, May 2021

Sustainability Statement, DSA Engineering, May 2021

BREEAM Pre-Assessment, DSA Engineering, Rev 5, July 2021

Whole Life Cycle Carbon Emissions Assessment, Hodkinson, May 2021

Construction Management Plan Pro-Forma, Version A, 22 July 2020

Surface Water Drainage and Outline SUDs Strategy, LBHGEO, Version 3.1, 20 Sept 2021

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 The rooflights hereby permitted shall be of a traditional conservation type and shall be flush with the roof and not projecting above the roof covering.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the Council before the relevant part of the work is begun:

a) Plan, elevation and section drawings, including jambs, head and cill, of all new external windows and doors at a scale of 1:10 with typical glazing bar details at 1:1.

b) Typical details of new boundary walls, gates, railings and balustrades at a scale of 1:10 with finials at 1:1, including method of fixing.

c) Details of all planting and screening between amenity space, in order to ensure they would appropriately protect residential amenity of future occupiers.

c) Samples and manufacturer's details of new facing materials including windows; timber and brickwork. The sample panels of all facing materials should include (but not be limited to) brickwork, clay roof tiles, decorative hung clay tiles to front elevation gable; arched red rubbers, samples of the decorative terracotta detailing including the decorative feature panels to front and side elevations, decorative elements to top the chimney stacks and the varies corncing, demonstrating the proposed colour, texture, face-bond and pointing.

The relevant part of the works shall then be carried in accordance with the approved details

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 6 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the building, without the prior approval in writing of the local planning authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 7 Air quality monitoring should be implemented on site. No development shall take place until:

a. prior to installing monitors, full details of the air quality monitors have been submitted to and approved by the local planning authority in writing. Such details shall include the location, number and specification of the monitors, including evidence of the fact that they have been installed in line with guidance outlined in the GLA's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance;

b. prior to commencement, evidence has been submitted demonstrating that the monitors have been in place for at least 3 months prior to the proposed implementation date.

The monitors shall be retained and maintained on site for the duration of the development in accordance with the details thus approved.

Reason: To protect the amenity of residents in accordance with policy CC4 of the London Borough of Camden Local Plan 2017.

- 8 The development, hereby approved, shall be carried out in accordance with the Surface Water Drainage and Outline SUDs Strategy, LBHGEO, Version 3.1, 20 Sept 2021. The sustainable urban drainage system shall be implemented as part of the development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 9 Prior to first occupation, details of secure and covered parking for 64 resident's bicycles (long stay) and 12 visitor bicycles (short stay) shall be submitted and approved by the Local Planning Authority. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the scheme makes adequate provision for cycle users in accordance with policies T1 and T2 of the London Borough of Camden Local Plan 2017.

- 10 No properties shall be occupied until confirmation has been submitted to the local planning authority that either: all combined water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: To ensure that the development does not adversely impact on existing waste networks in accordance with the requirements of Policies A1 and CC5 of the London Borough of Camden Local Plan 2017

- 11 Prior to commencement of development other than site clearance & preparation, details of rainwater recycling proposals should be submitted to the local planning authority and approved in writing. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CC2 and CC3 of the London Borough of Camden Local plan 2017

- 12 Prior to first use of the relevant part of the development, details of plant machinery, including air source heat pumps, shall be submitted to and

approved in writing by the Local Planning Authority. The measures shall ensure that the external noise level emitted from plant/machinery/equipment will be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment in accordance with policy A1 of the London Borough of Camden Local Plan 2017.

- 13 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 14 The development hereby approved shall achieve a maximum internal water use of 105litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation of each unit, evidence demonstrating that this has been achieved shall be submitted and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policy CC3 of the London Borough of Camden Local Plan 2017.

- 15 The noise level in rooms at the development hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms and external amenity areas.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise in accordance with policy A1 of the London Borough of Camden Local Plan 2017.

- 16 The following wheelchair adaptable residential units hereby permitted shall be constructed to comply with Part M4(3) of the Building Regulations: Flats BL01, BL03, GF06 and FF05.

All other residential units hereby permitted shall be constructed to comply with Part M4(2) of the Building Regulations.

Reason: To provide access for disabled people, older people and others with mobility constraints, and ensure the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy H6 and C6 of the London Borough of Camden Local Plan 2017.

- 17 Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the arboricultural report by David Clarke Chartered Landscape Architect and Consultant Arboriculturist ref: dated June 2020. All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with BS5837:2012 and with the approved protection details. The works shall be undertaken under the supervision of the project arboriculturist.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the Camden Local Plan 2017.

- 18 Once the as-built design has been completed (upon commencement of RIBA Stage 6) and prior to the building(s) being occupied (or handed over to a new owner, if applicable), the legal owner(s) of the development should submit the post-construction Whole Life-Cycle Carbon (WLC) Assessment to the GLA at: ZeroCarbonPlanning@london.gov.uk. The owner should use the post construction tab of the GLA's WLC assessment template and this should be completed accurately and in its entirety, in line with the criteria set out in the GLA's WLC Assessment Guidance. The post-construction assessment should provide an update of the information submitted at planning submission stage (RIBA Stage 2/3), including the WLC carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. The assessment should be submitted along with any supporting evidence as per the guidance and should be received three months post as-built design completion, unless otherwise agreed.

Reason: To ensure whole life-cycle carbon is calculated and reduced and to demonstrate compliance with Policy SI 2 of the London Plan 2021.

- 19 Prior to commencement of above ground works, drawings and data sheets showing the location, extent and predicted energy generation of photovoltaic cells and associated equipment to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. A site-specific lifetime maintenance schedule for each system, including safe roof access arrangements, shall be provided. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policy CC1 (Climate change mitigation) of the London Borough of Camden Local Plan 2017.

- 20 Prior to commencement of above ground works, details, drawings and data sheets showing the location, Seasonal Performance Factor of at least 2.5 and Be Green stage carbon saving of the air source heat pumps and associated equipment to be installed on the building, shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. A site-specific lifetime maintenance schedule for each system, including safe access arrangements, shall be provided. The equipment shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policy CC1 of the London Borough of Camden Local Plan 2017.

- 21 Prior to first occupation confirmation must be provided to the Local Planning Authority and Thames Water that either:
1. Capacity exists off site to serve the development, or
 2. A housing and infrastructure phasing plan has been agreed with Thames Water. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan, or
 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CC2 and CC3 of the London Borough of Camden Local plan 2017.

- 22 Network Rail's Engineer is to approve details of any development works within 15m, measured horizontally, from the outside face of the tunnel extrados with special reference to:

- The type and method of construction of foundations
- Any increase/decrease of loading on the tunnel both temporary and permanent.

Certified proof that the proposals shall have no detrimental effect upon the tunnel will be necessary.

Any proposal must not interfere with Network Rail's operational railway not jeopardise the structural integrity of the tunnel. The above details should be submitted to the Council and only approved in conjunction with Network Rail.

Reason: To safeguard the structural stability of nearby rail infrastructure in

accordance with the requirements of policy A5 of the London Borough of Camden Local Plan 2017.

- 23 Other than the areas explicitly identified on the approved drawings as a roof terrace, no part of any other roof of the building shall be used as a roof terrace or other form of open amenity space. Any access out onto this area shall be for maintenance purposes only. The balustrade hereby approved shall be installed prior to the use of the terrace and shall be retained and maintained thereafter.

Reason: In order to protect the existing residential amenities of the occupiers of neighbouring properties in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

- 24 Prior to the occupation of the development, full details of screening, obscure glazing and other measures to reduce instances of overlooking and loss of privacy to neighbouring occupiers and occupiers within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thereby approved and permanently maintained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 of the Camden Local Plan 2017.

Informative(s):

- 1 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 3 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.

- 4 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 5 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 6 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 7 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973]] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 8 If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. You are advised to demonstrate what measures you will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to the Thames Water's Risk Management Team.
- 9 Thames water requires a site drainage strategy that outlines the pre- and post-development points of connection to the public sewer system and peak discharge rates. Thames Water would expect surface water to be attenuated to greenfield run-off rates.

- 10 The site lies near to underground tunnels as a result you are advised to consult with Network Rail prior to any ground works.

- 11 Mitigation measures to control construction-related air quality impacts should be secured within the Construction Management Plan as per the standard CMP Pro-Forma. The applicant will be required to complete the checklist and demonstrate that all mitigation measures relevant to the level of identified risk are being included.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is written over a light grey rectangular background.

Daniel Pope
Chief Planning Officer